FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CIVIL APPLICATION NO.5606 OF 2005
IN
FIRST APPEAL NO.1615 OF 2006

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr D.C.Shah, i/b Mr R.R.Sharma, for the applicant.
Mr A.J.Bhor, for the respondent-corporation.

CORAM: D.B.BHOSALE,J.
DATED: 15.12.2006

P.C.:

Heard the learned counsel for the parties.

By this civil application, the applicant has prayed for restoration of the suit premises. It appears that after the decree respondent no.2 has been put in possession of the suit premises and he is in possession since 14.12.2005. The appeal came to be admitted on 1.8.2006. Keeping that in view and considering the overall facts and circumstances of the case, the prayer made in the civil application cannot be allowed. However, interest of justice would be served if the respondent is

directed not to create third party rights or part with the possession of the suit premises till disposal of the appeal. Order accordingly.

Liberty to the applicant to pray for a fixed date of hearing after filing of the paper book as per the order dated 1.8.2006 passed in the appeal.

The civil application is disposed of.

(D.B.BHOSALE,J.)